

Memorandum

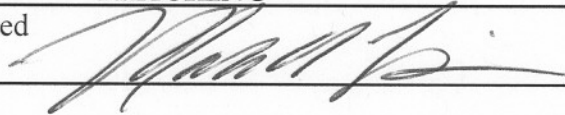
TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Robert L. Davis

**SUBJECT: CIVIL GRAND JURY REPORT -
TASERS - TRAINING AND
TRACKING**

DATE: August 3, 2005

Approved



Date

August 3, 2005

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

It is recommended that the Honorable Mayor and City Council review and accept the San Jose Police Department's response to the 2004-2005 Santa Clara County Civil Grand Jury's report entitled "Tasers - Training and Tracking."

BACKGROUND

On May 11, 2005 the Santa Clara County Civil Grand Jury released a report of its findings and recommendations entitled "Tasers - Training and Tracking." The Grand Jury conducted an inquiry on the use of Tasers by law enforcement agencies within Santa Clara County. As part of its inquiry, the Grand Jury sent a survey to each law enforcement agency in Santa Clara County, seeking information about each agency's use of Tasers, training for their use, and experiences in using them.

California Penal Code Section 933(c) requires that no later than 90 days after the Grand Jury submits its final report on the operations of a City agency, the City Council shall provide comment to the Presiding Judge of the Superior Court on the Grand Jury's findings and recommendations.

The purpose of this memorandum is to provide the Mayor and Council with the San Jose Police Department's formal response for review and approval, as well as to comply with stated Penal Code requirements.

ANALYSIS

The Department has responded to the one finding and two recommendations pertaining to "Tasers - Training and Tracking" in the Santa Clara County Civil Grand Jury's Final Report.

Finding 1

Guidelines for taser training, usage and tracking are not coordinated among law enforcement agencies in Santa Clara County.

Response

The San Jose Police Department partially agrees with this finding.

Current Taser training among law enforcement agencies in Santa Clara County is based upon the manufacturer's recommendations and training materials, legal requirements, and the particular needs and policy commitments of each local jurisdiction. Yet, while each agency in the county may have its own policies and procedures, there has been a great deal of discussion about Taser usage and policies amongst the county's chiefs of police. This discussion has been ongoing as the county's chiefs have worked to determine best practices for Taser usage.

Additionally, it should be noted that the State of California Commission on Peace Officer Standards and Training (POST) is currently in the process of developing a uniform electronic weapons' user course that will establish minimum training standards for all law enforcement agencies throughout California.

Additionally, the San Jose Police Department is in the process of developing a "Force Response Report" that will track all uses of force by officers, including Taser use. When a Taser is deployed, an officer will be required to document the following categories of information on the Force Response Report:

INCIDENT INFORMATION:

- Source of call
- Incident type
- Officer activity immediately prior to force response

OFFICER INFORMATION:

- Years of experience
- Officer assaulted by suspect method (hands, arms, weapon type, etc.)
- Officer Injuries
- When officer responded with force, was officer alone or in presence of other officers

FORCE OPTION(S) USED - Was it effective - Yes/No

- Taser Drive Stun
- Taser Darts Deployed

SUSPECT INFORMATION:

- Number of suspects present when force was used
- Suspect injuries

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- Signs of chemical influence
- Signs of mental illness
- If suspect was on probation, parole, fugitive
- If a restraint device was used (WRAP)

Recommendation 1 a

Law enforcement agencies in Santa Clara County should create a professional forum which meets on a regular basis to share and evaluate agency training and experience with tasers.

Response

This recommendation has been implemented.

The Santa Clara County Police Chiefs' Association is the established forum to discuss law enforcement policies, legislation, procedures, and protocols. Law enforcement representatives from the cities of Campbell, Gilroy, Los Altos, Los Gatos/Monte Sereno, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, and Sunnyvale, as well as the San Jose State University Police, Santa Clara County District Attorney's Office, Santa Clara County Sheriff's Department, and the California Highway Patrol attend monthly meetings to discuss various law enforcement related issues. Taser use, training and experiences learned have been the subject of discussions within this forum. Further dissemination and discussion of Taser related issues will continue to be addressed through the Santa Clara County Police Chiefs' Association.

Recommendation 1 b

Law enforcement agencies in Santa Clara County should establish defined protocols and guidelines for using tasers, including tracking any use of tasers.

Response

The San Jose Police Department has implemented this recommendation to the extent that the Department has developed specific policies and procedures for using Tasers and tracking their use by officers.

The Department's Use of Force Policy includes rules and procedures for Taser use. This policy is continually reviewed and revised in light of the Department's experience, scientific data and studies, and the review of the best practice policies and procedures from other jurisdictions and professional organizations.

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The Grand Jury Report noted that each law enforcement agency must evaluate the pros and cons of the Taser as a force option and determine its appropriateness for the community it serves. Thus, Taser use policies will necessarily vary from jurisdiction to jurisdiction, depending upon each jurisdiction's specific needs, resources and policy commitments.

PUBLIC OUTREACH

Not applicable.

COORDINATION

This report was reviewed and approved by the City Attorney's and City Manager's Office.

CEQA

Not a Project.

CONCLUSION

On behalf of the San Jose Police Department, I wish to thank the members of the 2004-2005 Santa Clara County Civil Grand Jury for their time and effort in meeting with members of the Department and reviewing our policies and procedures to complete this report. The San Jose Police Department is committed to ongoing research, training and development to ensure that our procedures and policies serve all members of the community in a safe, effective and lawful manner.


ROBERT L. DAVIS
Chief of Police

RLD:GLK:CE